

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 3/22/2012

Action Requested By:
Community
Development

Agenda Item Type
Resolution

Subject Matter:

Modification of Agreement between the City of Huntsville and Franklin Hills L.P., for HOME Investment Partnership Grant Fund.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify contract 12-176, February 23, 2012 with Franklin Hills L.P., to modify Eligible Budgeted Items and Time of Performance

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

This resolution will allow the Mayor to modify contract 12-176 with Franklin Hills L.P. to allow the use of the \$250,000 in HOME funds for land acquisition for the Senior Housing facility, Franklin Hills and Extend the Time of Performance.

Associated Cost: 0

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 2/16/12

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Community Development

Council Meeting Date: 3/22/2012

Department Contact: Ken Benion

Phone # 256-427-5427

Contract or Agreement: Contract

Document Name: Modification No. 1 to Resolution No. 12-176

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

Account Number:

Procurement Agreements

Select...

Select...

Grant-Funded Agreements

Federal HUD

Grant Name:

HOME Investment Partnership Grant

Department	Signature	Date
1) Originating	<i>[Signature]</i>	<u>3/14/12</u>
2) Legal	<i>Mary C. Cates</i>	<u>3/15/12</u>
3) Finance	<i>[Signature]</i>	<u>3/14</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

RESOLUTION NO. 12-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville is hereby authorized, requested and directed to enter into Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Franklin Hills L.P., as adopted by Resolution No. 12-176 on February 23, 2012 for Home Investment Partnership Funds, said modification being substantially similar in words and figures to that document identified as "Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Franklin Hills L.P." consisting of three (3) pages, and the date of March 22, 2012, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville.

ADOPTED this the 22nd day of March, 2012.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 22nd day of March, 2012.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)

COUNTY OF MADISON)

**Modification No. 1 to the
Agreement Between the City of
Huntsville and Franklin Hills L.P.
as adopted by Resolution No. 12-
176 on February 23, 2012 for
Home Investment Partnership
funds.**

**MODIFICATION NO. 1 TO THE AGREEMENT
BETWEEN THE CITY OF HUNTSVILLE, ALABAMA AND
FRANKLIN HILLS, L.P. DATED FEBRUARY 23, 2012**

THIS MODIFICATION No. 1 IS MADE TO THE AGREEMENT entitled "AGREEMENT BETWEEN THE CITY OF HUNTSVILLE, ALABAMA AND FRANKLIN HILLS, L.P. FOR HOME INVESTMENT PARTNERSHIP FUNDS" as referenced above and is entered into on this the 22nd day of March, 2012, by and between the CITY OF HUNTSVILLE, Alabama (City) and Franklin Hills L.P. (Agency).

WITNESSETH

WHEREAS, the City has received HOME Investment Partnership (HOME) grant funds from the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the City and the Agency previously entered into an agreement dated February 23, 2012, wherein the City passed along a portion of the said grant funds to the Agency for the expenditure according to the terms of the said grant; and

WHEREAS, the said agreement was adopted and approved by the City Council of the City of Huntsville by Resolution No. 12-176; and

WHEREAS, the parties desire to amend the said agreement to include additional eligible costs and to reflect the updated project schedule;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows:

**_____
President of the City Council of the
City of Huntsville, Alabama
Date: March 22, 2012**

1. Replace Section 2 of the Agreement in its entirety with the following:

The Owner shall perform according to the following schedule: ...

	<u>Deadline</u>
1. Execute contract for Project	February 23, 2012
2. Acquisition of Property	February 24, 2012
3. Pre-construction Conference	February 24, 2012
4. Project Start Date	February 24, 2012
5. Construction Completion Date	August 24, 2013
6. Commence Lease-Up	June 1, 2013
7. Lease Up Complete	February 1, 2014

2. Replace Section 3.B. of the Agreement in its entirety with the following:

Eligible costs associated with this agreement will include land acquisition as well as predevelopment soft costs including but not limited to: architectural design, engineering, legal and appraisal fees, environmental audit, loan fees and developer fees.

3. All other terms and conditions of the original Agreement remain unchanged and in full force and effect.

SIGNATURES FOLLOW ON THE NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have entered into this Modification No. 1 on the
on the day and year first above written.

CITY OF HUNTSVILLE, ALABAMA

By: _____
Tommy Battle, Its Mayor

ATTEST:

Charles E. Hagood, City Clerk Treasurer

FRANKLIN HILLS, L.P.
By: Franklin Housing, LLC
Its: General Partner
By: Neighborhood Concepts, Inc.
Its: Managing Member

Philip C. Dotts, Chairman of the Board

ATTEST:

Mary Ellen Judah, Executive Director
Neighborhood Concepts, Inc.